

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLE UNDER 37 CFR 1.137(a)**

3. Terminal Disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ For a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63)

4. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

5. ☒ The Commissioner is hereby authorized to charge any fees which may be required, Or credit any overpayment, to Deposit Account Number 502117March 15, 2005

Date

(954) 723-6449

Telephone Number

Registration Number, 45,834
if applicable
SignatureLarry G. Brown

Typed or printed name

Motorola, Inc.

Address

8000 W. Sunrise Blvd.
Plantation, FL 33322

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**


I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first-class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark office at (703) 308-6916.

March 15, 2005

Date


SignatureSilvana Wiltshire

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by an other party who is presenting statement concerning the cause of delay

March 15, 2005

Date


Signature45,834

Registration Number, if applicable

Larry G. Brown

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

On December 29, 2003, we filed with the U.S. Patent and Trademark Office (USPTO) a patent application for our docket No. CE11591JBE. Attached please find the Express Mail Receipt, Label No. EL 962737413 US, that confirms our filing date. On January 12, 2004, we received our return postcard in which the USPTO allotted Serial Number 10/747,844 and a filing date of December 29, 2003 to this application. Also attached please find a copy of a docketing report for CE11591JBE. In accordance with Motorola policy, a docket report is created for every patent application filed with the USPTO. Our docketing personnel are trained to enter into each appropriate docket report the receipt of all correspondence from the USPTO. In view of this docket report, both the docketing clerk and the responsible Motorola attorney are automatically reminded of all important deadlines. For example, for this patent application, the date the Information Disclosure Statement was filed and the foreign filing deadline were clearly recorded. As such, the training of Motorola's employees and its docketing system are designed to keep us from missing important deadlines.

It is our contention that we did not receive the Notice to File Missing Parts, which the USPTO is claiming was mailed on April 13, 2004. There is no record of this document in either our docketing database or in the physical file folder for this patent application. Because we never received the Notice to File Missing Parts, we submit that our delay in responding to this document was unavoidable pursuant to 37 CFR 1.137(a). As further evidence of the reliability of our docketing system, the Notice of Abandonment and the Petition to Revive were docketed.

In the event the USPTO requires further evidence of Motorola's procedures and docketing records, or if a telephone call would advance the resolution of this case, please feel free to call the attorney of record.

(Please attach additional sheets if additional space is necessary)

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